UNITED NATIONS

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ENGLISH ONLY

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

ISRAEL

Communicated by the Government of Israel

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

DRUG CONTROL AUTHORITY LAW, 5748-1988
(14 June 1988)

Chapter One: Interpretation

1. In this Law — Definitions

"the Minister" means the Prime Minister;

"drugs" means dangerous drugs as defined in the Dangerous Drugs Ordinance (New Version), 5733-1973, 1/ and drugs designated by the Minister by regulations after consultation with the Minister of Health and with the approval of the Labour and Social Affairs Committee of the Knesset;

"drug abuse" includes the doing of anything connected with drugs otherwise than for medical purposes or without legal authorization.

1/ Note by the Secretariat: E/NL.1976/10.

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Chapter Two: The Authority

Article One: Establishment and Functions of Authority

Establishment of Authority

2. There is hereby established a Drug Control Authority, hereinafter referred to as "the Authority".

Authority to be body corporate

3. The Authority shall be a body corporate.

Authority to be inspected body

4. The Authority shall be an inspected body within the meaning of section 9 (6) of the State Comptroller Law (Consolidated Version), 5918-1958.

Functions of authority

5. (a) The Authority shall determine policy as to prevention, treatment, rehabilitation, punishment and law enforcement in the field of drug abuse in order that such policy may serve as a basis for its activity and the activity of the Government in the matter. When the Authority has framed a policy as to one of the matters within the scope of its functions, the Minister shall, at its request, submit such policy to the Government for approval.

(b) Without prejudice to the generality of the provisions of subsection (a), the Authority shall also:

(1) frame a policy of co-operation between Government Ministries, local authorities and other bodies active in the field of drug abuse, and co-ordinate and promote such co-operation;

(2) plan and promote, in accordance with its policy, frameworks and services for prevention, treatment, rehabilitation, punishment and law enforcement in the field of drug abuse;

(3) act, in schools and other frameworks, for the prevention of drug abuse by expanding and deepening the education of pupils and youth;

(4) spread information and deepen public awareness as to the plague of drugs with a view to preventing drug abuse;

(5) in accordance with its policy and in co-operation with the Ministries concerned, act for the establishment, development, management and maintenance of suitable frameworks, and of services and projects, for prevention, treatment, rehabilitation, punishment and law enforcement in the field of drug abuse;

(6) assist State and local government services by advice and guidance as to the treatment of drug victims and the members of their families;

(7) encourage voluntary activities, of individuals and bodies for the prevention of drug abuse and the treatment and rehabilitation of drug abusers, and direct, guide and supervise such activities;

(8) initiate and co-ordinate the training and accreditation of professional manpower in institutions and services active in drug abuse prevention and in the treatment and rehabilitation of drug abusers and supervise the activities of such institutions and services;

(9) follow up, and make suggestions as to, law enforcement and punishment in the field of drug abuse;

(10) prescribe rules for appropriations from its budget to bodies active in drug abuse prevention and in the treatment and rehabilitation of drug abusers, and to effect such appropriations;

(11) collection information, initiate research and develop know-how in the sphere of its activity, subject to the provisions of any law;

(12) maintain contact with national and international bodies active in matters of drug abuse.

Article Two: Council of Authority

Council of Authority

6. (a) The Authority shall have a Council of forty-three members appointed by the Minister with the approval of the Government. Notice of the appointment shall be published in Reshumot.

(b) The Council shall consist of the following:

(1) sixteen office-holders as specified in the Schedule;

(2) one representative each of the Prime Minister's Office, the Ministry of the Interior, the Ministry of Justice, the Ministry of Finance, the Ministry of Construction and Housing and the Ministry of Defence;

(3) one representative each of the National Insurance Institute, the Employment Service, the Prisoner Rehabilitation Authority, the Council for Higher Education, the Israel Medical Association, the Psychologists' Association, the Social Workers' Organization, the Nurses' Association, the Israel Criminological Society, the Local Government Centre, the Youth Movements Council, the National Council for Research and Development, the Teachers' Association and the Post-Elementary Teachers' Organization;

(4) three members appointed respectively by the Minister in consultation with the Minister of Health, from the kibbutz movements, from voluntary bodies treating drug users and from the sick-funds;

(5) four representatives of the public designated by the Minister.

(c) At the request of the Minister, the Council may invite an additional office-holder to its deliberations as a permanent participant.

(d) The Minister may by order, after consultation with the Minister concerned, prescribe that, instead of one of the office-holders mentioned in the Schedule, another office-holder from the same Ministry concerned with drug control shall be designated.

Chairman

7. The Minister shall appoint a chairman for the Council from among its members and may so appoint a deputy chairman.

Period of tenure

8. The period of tenure of the members of the Council appointed under section 6 (b) (2) to (5) shall be three years. A member whose period of tenure has expired may be reappointed. A member whose period of tenure has expired shall continue to serve until another member is appointed in his stead or until he is reappointed, as the case may be.

Removal of member from office

9. The Minister may remove a member of the Council from office if:

(1) he has been convicted of an offence involving moral turpitude or

(2) he is incapable of carrying out his functions for reasons of health or

(3) he has been absent from four consecutive meetings of the Council without just cause.

Replacement of members

10. Where a member of the Council ceases to hold the position by virtue of which he has been appointed, or has resigned from the Council or been removed from office or has died, another member shall be appointed in his stead in the same manner in which he himself was appointed.

Functions of Council

11. The Council shall:

(1) determine the policy of the Authority;

(2) guide the Board in the discharge of its functions and supervise its activities;

(3) consider the draft annual budget referred to in section 18, the annual report and any other matter relating to the activities of the Authority.

Committees

12. The Council may appoint committees from among its members and delegate powers to them.

Procedures

13. (a) The Minister may, in consultation with the Council, by regulations, prescribe provisions as to a quorum, the modes of convening the Council and its committees and the conduct of their meetings, the voting procedure, the powers of the chairman of the Council and the chairman of a committee and the reimbursement of expenses incurred by members of the Council or the Board who are not employees of the Authority or the State in consequence of their attendance at meetings of the Council, the committees or the Board.

(b) The Council and its committees shall prescribe the procedure of their business as far as it is not prescribed by regulations under subsection (a).

(c) The Council shall meet at least four times a year.

BOARD

Article Three: The Director of the Authority; the Board and its Functions

Director of Authority; the Board

14. (a) The Minister shall, in consultation with the Council and with the approval of the Government, appoint a Director for the Authority and he may, in consultation with the Council, appoint a Deputy Director.

(b) The affairs of the Authority shall be managed by the Board, which shall consist of the Director of the Authority, his deputy, if any, six members appointed respectively from among the employees of the Ministry of Finance, the Ministry of Health, the Ministry of Education and Culture, the Ministry of Police, the Ministry of Justice and the Ministry of Labour and Social Affairs and representatives of the public appointed by the Minister in consultation with the Council from among the members of the Council who are not State employees.

(c) The number of members of the Board shall not exceed nine.

Functions of Board

15. The Board shall:

(1) ensure the discharge of the functions of the Authority in accordance with the directives of the Council;

(2) prepare the annual budget of the Authority and submit it to the Council;

(3) submit to the Council an annual report on the activities of the Authority and any such other report on its activities as the Council may request;

(4) publish an annual summary of the activities of the Authority;

(5) transmit to the Minister, at his request, a report or information on a matter within the scope of its functions and powers;

(6) appoint the employees of the Authority, and prescribe their functions and powers, as provided in section 17.

Powers of Board

16. The Board is competent to carry out, in the name of the Authority, any act required for the discharge of the functions of the Authority under this Law, except acts reserved to the Council by this Law.

Employees of the Authority

17. (a) The Minister shall, in consultation with the Minister of Finance, prescribe the staff establishment of the Authority.

(b) The engagement and appointment of employees of the Authority shall be effected in like manner as those of State employees, with such variations as shall be prescribed by regulations.

(c) The remuneration and terms of employment of employees of the Authority, including the Director and his deputy, shall be the same as those of State employees, with such adjustments as the Board may prescribe with the approval of the Minister.

Article Four: Budget and Moneys

(...)

Chapter Three: Activities of Government Ministries and Supervision of Authority

Activities of Government Ministries

20. Government Ministries shall act in co-operation with the Authority in matters within its province. Regulations by a Minister in matters pertaining to the functions of the Authority shall be made in consultation with the Minister charged with the implementation of this Law.

Supervision

21. (a) The Authority shall transmit to the Minister every year a report on its activities. It shall also publish an annual summary of its activities.

(b) The Authority shall at any time transmit to the Minister, at his request, a report and ongoing or one-time information on any matter pertaining to its functions and powers.

Chapter Four: Miscellaneous Provisions

(...)

Power to obtain information; secrecy

23. (a) The Director of the Authority or a person empowered by him in that behalf may request of any person engaged - for remuneration or voluntarily - in the treatment, withdrawal cure or rehabilitation of a drug user any information, document or report (all hereinafter referred to as "information") required by the Authority for the discharge of its functions. The Minister shall by regulations, with the approval of the Constitution, Legislation and Juridical Committee of the Knesset, designate the kind of information that may be requested and the procedure for its transmission, receipt and safekeeping.

(b) A person who receives information under subsection (a) shall keep it secret: he shall not disclose it except as required for the implementation of this Law or in accordance with any law.

Authority to have the same status as the state

24. The Authority shall have the same status as the State in respect of:

(1) the payment of taxes, stamp duty, fees, rates, charges and other compulsory payments;

(2) the Civil Wrongs (Liability of the State) Law, 5712-1952;

(3) relief by way of a restraining order.

(...)

Saving powers

26. The provisions of this Law shall not derogate from any power conferred by any law.

Implementation and regulations

27. The Prime Minister is charged with the implementation of this Law and may, with the approval of the Constitution, Legislation and Juridical Committee of the Knesset, make regulations as to any matter relating to its implementation.

Addition of section 65D to the Public Health Ordinance

28. The following section shall be inserted after section 65C of the Public Health Ordinance, 1940:

Institutions for treatment and withdrawal

65D. (a) The Minister of Health may make regulations concerning the duty of registering institutions for treatment and withdrawal, including regulations as to:

(1) the supervision of institutions;

(2) the organization and management of institutions: Provided that regulations concerning the organization and management of institutions within the spheres of the Ministry of Labour and Social Affairs and the Ministry of the Police, respectively, shall be made in consultation with the Minister of Labour and Social Affairs or the Minister of Police, as the case may be.

(b) In this section, "institution for treatment and withdrawal" means any place in which medical treatment, either physical or mental, is given for the purpose of the withdrawal of dangerous drugs".

Commencement

29. This Law, except section 28, shall come into force upon the expiration of six months from the date of its publication.

SCHEDULE

(Section 6 (b) (1))

The following are the office-holders on the Council of the Authority:

(...)

CHAIM HERZOG
President of the State

YITZCHAK SHAMIR
Prime Minister